

**GOVERNMENT OF ANDHRA PRADESH.
ABSTRACT**

BACKWARD CLASSES WELFARE DEPARTMENT -Andhra Pradesh Commission for Backward Classes – Committee of the Officers -Constituted for Study administrative, legal as well as financial implications- Orders – Issued.

BACKWARD CLASSES WELFARE (C) DEPARTMENT

G.O.Ms.No. 15

Dated:22-9-2012.
Read the following:

- 1.G.O.Ms.No.57, Backward Classes Welfare(C2)Department, dated 18-11-2004.
2. G.O.Ms.No.58, Backward Classes Welfare(C2)Department, dated 6-12-2004.
- 3.G.O.Ms.No.32, Backward Classes Welfare(C2) Department, dated 6-12-2007.
- 4.G.O.Ms.No.55, Backward Classes Welfare (C2)Department, dated:23-9-2008.
5. From the Chairman, A.P. Commission for Backward Classes, Hyderabad, .
Letter No. Dated: 20-9-2011.

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ORDER:

The term of the Chairman and Members of the Andhra Pradesh Commission for Backward Classes constituted in the G.O.1st read above expired on 21-5-2008.

2. In the reference 5th read above, Justice Dalava Subrahmanyam (Retd), Chairman, A.P. Commission for Backward Classes, Hyderabad has requested the Government either to reconstitute the Commission or extend the term of the present body of the Commission beyond 24-9-2011.

3. There is an imperative need to amend the Act to empower the Commission and to give representation to all the groups in the list with emphasis on the Most Backward Classes. A very detailed comparative study of the composition, functions, powers and responsibilities of various BC Commissions in other States, as well as other Commissions (e.g.,SC/ST, Women's Commission) within the State, has been made and proposed certain substantive changes were also proposed requiring amendments to the Statute.

These changes include

1. increasing the strength of the Commission
2. enlarging the functions of the Commission
3. enhancing powers of the Commission.

The statutory amendments being proposed which will have administrative, legal as well as financial implications, it is felt desirable that this may first be examined quickly by a Committee of Officers.

(P.T.O)

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NOTIFICATION

4. Government hereby constituting the Committee of the Officers as below:-

- | | |
|--|---------------|
| 1) Chief Secretary,
Government of A.P. | Chairman |
| 2) Principal Secretary to Government,
B.C. Welfare Department | ... Member |
| 3) Secretary to Government,
Law Department | ... Member |
| 4) Secretary to Government,(Services)
Genl. Admn. Department | ... Member |
| 5) Principal Secretary to Govt.
Finance Department | ... Member. |

5. The issues that are to discussed by the Committee of Officers is annexed to this order.

6. A copy of this order is available on the Internet and can be accessed at the address: <http://www.aponline.gov.in>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)**

To
The Chairman and Members concerned.
The Member Secretary, A.P. Commission for Backward Classes, Hyderabad.
The Commissioner Printing Stationery & Stores Purchase
(ptg. wing) Department (He is requested to publish in
A.P. Extra-ordinary Gazette and furnish (25 copies).
The Director, Backward Classes Welfare, Hyderabad.
All Departments of Secretariat.
Copy to P.S. to Special Secretary to C.M.
P.S. to Minister (BCW)
P.S. to C.S.
Sf/Sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE to G.O.Ms.No. 15 B.C.W. (C) Department Dated: 22-09-2012

1. The following amendments are suggested in the interest of BCs regarding the Composition of the Commission under Sec 3(2) of Act, 1993.

Sec. 3(2) of the Act be amended as follows:

The Commission shall consist of following (7) members nominated by the State Government from amongst the persons of eminence, commitment, suitability and integrity having outstanding record of selfless service to the cause of justice to BCs possessing special and intimate knowledge of the matters relating to BCs and have been working for their welfare.

- (a) Chairperson
- (b) One Vice-chairman
- (c) Five members

The Chairperson, Vice-Chairman and all members shall be from the Backward Classes.

1. The Chairman – A sitting or retired Judge of High Court or a distinguished, reputed person belonging to BC and with wide intimate knowledge, preferably law and commitment for the cause of the welfare of the BCs.
2. The Vice-Chairman should be a distinguished person belonging to BC, well qualified with wide experience and intimate knowledge of the BCs, Government policies planning, public service matters and programmes for the welfare of BCs.
3. For the other (5) members, Government may nominate minimum of (2) BCs from Group A and one each from Group B, Group D, Group E preference will be given to most Backward Classes.

The Chairman and Vice-Chairman should belong to different BC Groups.

The Chairperson and all members should be impartial and neutral and above the individual ideology and they should not hold any office of profit.

The members of the Commission should have intimate knowledge and experience, in matter concerning upliftment of BCs. Preference may be given to Law Graduates with sociology, economics, other social sciences background.

With the proposed amendments, the strength of the BC Commission will be enhanced from 5 to 7.

(3) (d) A Member Secretary shall be an Officer of the State Government of the rank of the Joint / Additional Secretary / Additional Director BC Welfare. He shall convene the meetings of Commission from time to time. He will not have power of voting in the meetings.

(3) (e) The Government may appoint a knowledgeable person of Welfare of BCs as Officer on Special Duty to act and assist for an exclusive review of economic support programmes and rosters in the implementation of Rule of Reservation in employment and education.

(P.T.O)

The Chairman / Vice Chairman / Members of the Commission shall be accorded a suitable status by a specific order of Government.

The Chairperson or any member shall not publish any news item or communicate to the Press / Electronic Media on any policy matter which Government is expected to act upon and shall not release any proceedings of the Commission to Press.

Sec 9 Act of the Commission. Functions of the Commission

The following functions may also be entrusted to the Commission, apart from those already contained in Sec.9 of the Act.

9 (5) (i) To investigate and monitor all matters relating to the safeguards provided to the Backward Classes under any Law from time to time in force or under any order of State Government and Union Government of India and to evaluate working of the safeguards.

9 (6) To participate and advice on the Planning process of socio economic development of the BCs and the implementation of the various welfare schemes meant for the Backward Classes and make such recommendations as felt necessary.

9 (7) To investigate into various kind of atrocities, social boycotts committed against the Backward Classes, referred to, by the Government or initiate action on any adverse news published in paper and electronic media on such atrocities on BCs, especially vulnerable groups like Rajakas, Nayeebrahmins, Nomadic and Semi-nomadic and other groups engaged in low and unclean occupations.

9 (8) (a) To make the survey of socio, economic and educational conditions and problems of the people belonging to BC and also to cause and conduct studies, research and analysis.

(b) The Commission shall base its recommendations in the light of provision contained in Article 15 (4), 15 (5) read with relevant provision of Constitution of India and various decision of Supreme Court bearing on the subject.

Sec (11) Act - Powers

11 (A) 2. Any proceeding before a Commission should be deemed to be a judicial proceeding within the meaning of Section 192 & 228 of IPC and Commission shall be deemed to be a Court for the purpose Section 195 of Code of Criminal Procedure, 1973.

11 (B) 3. The Commission shall have the powers to requisition such information, document and such assistance as may be required from any department of Government Public Service Undertakings and autonomous bodies for the effective implementation of the provision of the Act.

(Contd..)

Chapter Miscellaneous

2 (a) (i) The Commission may consult any technical / subject experts as may be required in the interest of BCs and for preparation of special recommendations and pay such remuneration as may be decided by the Commission.

The composition of the Commission is suggested on the lines of Karnataka, Uttar Pradesh, Tamilnadu and several other State Commissions, so that the Government may have wider choice to appoint any suitable person of eminence belonging to Backward Classes as Chairman. Several BC Welfare organizations and leaders have also been requesting the Government to amend the Act accordingly.

The UP, Karnataka, MP, Punjab several State Commissions have amended their Acts. The amendment proposed on the study of SC/ST and other Commissions of AP and other States.